

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
JANUARY 13, 2015**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, Cunningham, Olvany, Voigt, Sini, Jr.

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

GENERAL MEETING

Town Plan of Conservation & Development.

Discussion of conservation, cultural and historic resource related issues. Public Input is welcome and encouraged.

Glenn Chalder of Planimetrics was present to discuss the work being done on the update of the Town Plan of Conservation & Development. He had distributed a booklet that summarized the comments from various parties of interest. Ms. Cameron said that the Planning & Zoning Commission has scheduled a joint meeting with the Board of Selectmen for February 2, 2015 related to the Town Plan update.

Shirley Nichols, Executive Director of the Darien Land Trust, said that there is a letter to the Commission from the Land Trust regarding land use, open space and conservation of resources. She highlighted the main points, including:

- increasing the amount of open space and conservation area;
- improved cataloging and mapping of the open space and conservation areas;
- improved response of the community and the ability to take advantage of opportunities to acquire open space and conservation areas;
- create a funding pool for acquisition of open space and conservation areas (this might include a conveyance tax set aside);
- improve the management of open space parcels including the removal of invasive plants;
- improve the size and quality of open space that is acquired and the conservation areas that are set aside; and
- deal with sea level rise that is likely to continue in the future.

Mrs. Nichols said that a website includes the maps that show the Land Trust sites. She noted that there is a difference between conservation areas and open spaces that are set aside for natural and undeveloped conditions and parks which are open areas that are set aside for active use. She said that there are a limited number of large parcels available in the community that could provide meaningful open space acquisition opportunities but there are some, and the Town needs to be ready to take advantage of those opportunities. She said that a preservation of open space areas is an important work of the Land Trust and they have various tools that they can use to accomplish

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that goal and they want to improve their organization and management of the land that they do acquire. It was noted that some open space is generally preserved in its natural and undeveloped condition and is seldom used. Other open space areas are used more actively but developed not primarily for business or with buildings. She said that rising sea level will impact public and private properties along Long Island Sound and rivers that flow into the Sound. She said that the Darien Land Trust does plan to meet with the Nature Conservancy in the near future regarding their goal of creating corridors of open space or “rivers of green” rather than having disjointed or isolated open space parcels.

Flip Huffard then spoke to the Commission on behalf of the Advisory Commission on Coastal Waters. He said that they offer advice to the Board of Selectman but the Advisory Commission has no real regulatory authority. They offer advice to the Board of Selectman regarding recreation and shell fishing. He said that their letter from the Advisory Commission on Coastal Waters contains nine major points, including:

- improve water quality;
- improvements to Pear Tree Point Beach boat ramp and a possible fishing pier in that vicinity;
- acquisition of coastal properties when available for more public access to the water;
- installation and maintenance of moorings, which are now close to the maximum and might be increased by installation of large break waters to diminish wave action;
- monitoring of the depth of channels and dredging those channels when necessary and when funding is available;
- trying to sort out shellfish leases for beds which are often described in antiquated documents and is a very confusing issue;
- identify rock clusters that are off shore and trying to mark them for the safety of boaters; and
- an inventory of coastal view assets from the land toward the water and from the water toward the land.

Fred Conze, RTM Member and former Chairman of the Planning & Zoning Commission, said that the ability of the Town to respond to the possible acquisition of available land is much too slow. He said that in the past, the Board of Finance has turned down opportunities to acquire open space by the Town. He said the Town needs a ten-year plan and should have ways to accelerate the process so that the Town can respond more quickly and more efficiently to the availability of land so that it does not get developed. He said that the money for acquisition of open space area should be set aside in advance and this requires working with the Board of Finance and the Board of Selectmen.

Susan Lawrence, Chairman of the Architectural Review Board, reviewed her January 9, 2015 memorandum. She wondered whether her points regarding architectural continuity of the community should be integrated into other sections of the Town Plan of Conservation & Development or should they be consolidated into their own section. She said that one of the issues that the Commission needs to address in the near future is the installation of solar panels on roofs.

Town Historian Marian Castell said that the existing historic resources section within the current Plan is great and those same points should be incorporated into the revised Town Plan. She also

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noted that there is a commercial design guidelines document that was created several years ago and is a very good guide for people wishing to develop or re-develop properties in Darien.

Mr. Chalder noted that some communities in Connecticut incorporate a Village District as authorized by the state statutes to regulate the architectural qualities of buildings in certain areas. It was noted that the Village District is different than a Historic District. Mr. Chalder said that a Village District seems to work best in business areas, while a Historic District seems to work best in residential areas.

Karen Hughan spoke on behalf of the Tree Conservancy, which she explained is an organization that has existed since 2010 in Darien. She submitted comments in writing and noted that there are substantial impacts on the preservation of trees by CL&P pruning and removing trees near overhead power lines. She suggested the possibility of having a tree ordinance to require the replacement of trees removed from public and/or private property. She said that her organization is very active in educating the public and private property owners of the value of trees. She said that they are working on the designation of Darien as a Tree City, like Norwalk has obtained. This is based, in part, on the number of trees in the community compared to the number of residents. She said that efforts are being made to enhance the downtown area with tree planting. They are also working on improving the Noroton Heights train station area with new trees to be installed. The sustainability of the trees and the maintenance of the trees is an important aspect of their work. It was suggested that they work closely with the Board of Selectman and Department of Public Works on facilities such as the train stations and on trees within Town right-of-way. It was also noted that it is very important to coordinate the trees that are planted near sidewalks or when sidewalks are being installed near existing trees.

Susan Schutte of the Beautification Commission said that they are working on improving the train station vegetation because it represents an important gateway into the community and is in a heavily trafficked area that is highly visible. She also noted that one of the problems at the Noroton Heights train station is the Quonset-hut style of structure. She said that some landscaping work has already been done at the Darien train station and that maintenance of the newly planted vegetation is critical. She said that watering and weeding of the projects should then be turned over to the Public Works Department and that the Town should do a better job maintaining the train stations.

Bob Wolkwitz said that he is a member of the Beautification Commission but he is speaking primarily about cemeteries. He said at one point there were approximately 32 cemeteries in Darien but he has only found 18 of them (copy of list attached). Many of them might have been eliminated during the construction of I-95. He said that there are often issues of ownership and responsible parties, although the Beautification Commission has been working in some cases to improve the cemeteries. In some cases the Boy Scouts and other volunteers have offered to take on some of that work.

Jeff Marston of 49 Goodwives River Road, an RTM Member, said that he is a member of the Friends of Gorham's Pond but is not speaking on behalf of the organization. He wanted the Commission to know that there has been somewhat of a problem with the silting in Gorham's Pond and that the neighbors are working with the Town, the Darien Environmental Protection Commission and the Connecticut Department of Energy & Environmental Protection to maintain

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this beautiful pond. He said that there are some questions to the ownership of the pond. Mr. Chalder said that there has been considerable public input regarding assets like Gorham's Pond.

Ms. Cameron said that everyone is looking forward to meeting with the Board of Selectmen on February 2, 2015 and then meeting again on February 10, 2015 to discuss the update of the Town Plan.

The Commission took a five minute recess.

At about 9:40 p.m., Chairman Cameron read the following agenda item:

Public Comment Session—first meeting of each month

Opportunity for the general public to present comments to the Commission on topics or items which are not pending applications.

Mrs. Cameron noted that no members of the public were present to provide any comments, other than those who already spoke regarding the Town Plan. She then read the following agenda item:

Amendment of Business Site Plan #200-D, Center Street Public House, 22 Center Street.

Request for a temporary tent for up to six days in March 2015.

Commission members discussed the request for the temporary tent for approximately six days. There was some question as to how the tent would be properly anchored so that it would not blow away or be damaged in wind. After further discussion, the following motion was made: That the Planning & Zoning Commission authorize the temporary installation of a tent on the patio on the Center Street Public House site in accordance with the plans and materials submitted. The motion was made by Mr. Olvany, seconded by Mr. Cunningham and unanimously approved. It was noted that this was a one-year approval to see how the proposed temporary tent works out. The applicant must obtain permits from the Building Official and Fire Marshal.

Chairman Cameron read the following agenda item:

Special Permit #66-I, Darien YMCA, 2420 Boston Post Road.

Review and action on 2015 Special Events Schedule.

Commission members discussed the Special Events schedule and noted that it was somewhat less activity than in past years. They also noted that there were no known complaints regarding the special event activities that had been conducted. Apparently the YMCA is making a good effort to properly control traffic and parking at the special events. A motion was made by Mr. Cunningham, seconded by Mr. Olvany to approve the 2015 Special Events calendar for the YMCA. The motion was unanimously approved.

Chairman Cameron read the following agenda item:

Mandatory Referral #1-2015, Knobel Hill, LLC, 40 Locust Hill Road.

Request for an adjustment of the boundary of Locust Hill Road and the right-of-way along the northerly boundary of the 40 Locust Hill Road property, the property at the corner of Settler's Trail.

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Mr. Cunningham asked if the Mandatory Referral should technically come from the Board of Selectmen. Mr. Ginsberg said that the referral typically comes from the Board of Selectmen but it is allowed to come from other sources. State Statutes do not require it to come from the Board of Selectmen. He said that the Board of Selectmen did approve the concept at their meeting on January 12, 2015.

Attorney Robert Maslan represented the property owner and said that technically the Board of Selectmen deal with the abandonment of any Town right of way and the RTM must deal with the acceptance of any property or right-of-way. He submitted revised handouts with corrected numbers. He cited several sections of the Town Plan that call for the safety improvements and increase of the right-of-way where possible. He said that in a 1960s or 1970s subdivision in this area would require the conveyance from the private property owner to the Town for some of the property near the intersection of Locust Hill Road and Settler's Trail. He said that this plan accomplishes that goal. It also proposes to convey some of the excess right-of-way in a different portion of Locust Hill Road back to that property owner. He said that the map had been filed years ago but there was never any formal acceptance by the Town of the right-of-way. He said that as part of the conveyance the property owner will, at their expense, remove the large stonewall that blocks visibility of motorists exiting Settler's Trail and regrade the area and install a sidewalk in that vicinity.

Attorney Maslan said that the Planning & Zoning Commission will need to decide whether the proposed work complies with the Town Plan of Conservation & Development and if so, then the action of the Board of Selectmen and RTM will need a simple majority. If the Commission does not feel that the work is in compliance with the Town Plan of Conservation & Development, then the Board of Selectmen and RTM can still act on the request but would need a super majority to do so.

Mr. Olvany said that the submitted map does not show the actual location of the yellow line in Locust Hill Road. He wondered whether the yellow line is in the middle of the pavement or if it is off-set. Attorney Maslan said that the map shows the centerline of the pavement. He will try to obtain additional information and clarification regarding the location of the yellow line relative to the pavement. He said that it is an old, old street that is not even recorded in the Darien Land Records or in the old Stamford records (from which Darien was created). He said the 1982 map produced by the Department of Public Works was prepared by a land surveyor but it is not a formal document of ownership. Commission members said they would consider the matter and will issue its report at a future meeting.

Chairman Cameron read the following agenda item:

Discussion of Zoning Map in the area of Brookside Drive north of the Turnpike as well as the I-95 DOT southbound rest stop area (property owned by ConnDOT).

Ms. Cameron said that she wants everyone to know that her sister owns one of the small lots on Brookside Drive.

Mr. Ginsberg explained that apparently a labeling and graphic error has occurred and the area that was previously and consistently shown as in the R-1/2 Zone has now been labeling R-1/5 by

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mistake. The Commission discussed the situation and concluded that the best course of action would be to correct the maps to indicate that the property is still in the R-1/2 Zone and then as time permits, to consider whether the map should be amended to become officially R-1/5 Zone.

Chairman Cameron read the following agenda item:

Discussion, deliberation and possible decisions on the following five applications:

Business Site Plan #24-W/Special Permit, Chocolate Works, Goodwives Shopping Center, 25 Old King's Highway North. Proposing to establish a convenience food service use within the Goodwives Shopping Center. *DECISION DEADLINE: 3/12/2015.*

The following motion was made: That the Planning & Zoning Commission waive the process of reading all the draft resolutions aloud because each member has had an opportunity to review the drafts prior to the meeting. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

Mr. Sini noted that he had watched the recording of the public hearing at which many of these items were discussed.

Commission members reviewed the draft resolution regarding the Chocolate Works use in the Goodwives Shopping Center. Mr. Olvany asked that the equipment to be used to melt the chocolate be specified in the resolution. All members agreed. The following motion was made: That the Planning & Zoning Commission adopt the following revised resolution to approve this Special Permit use for the Chocolate Works subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 13, 2015**

Application Number: Business Site Plan #24-W/Special Permit
Chocolate Works, Goodwives Shopping Center

Street Address: 25 Old King's Highway North
Assessor's Map #71 Lot #19

Name and Address of Applicant & Meredith & Greg Scheine
Applicant's Representative: 98 Iron Gate Road
Stamford, CT 06903

Name and Address of: UB Darien Inc.
Property Owner: Urstadt-Biddle Properties, Inc.
321 Railroad Ave.
Greenwich, CT 06830

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Activity Being Applied For: Proposing to establish a convenience food service use within the Goodwives Shopping Center.

Property Location: The space is part of the previous Rugged Bear store space, within Goodwives Shopping Center, which is located on the south side of Old Kings Highway North, approximately 150 feet southwest of its intersection with Brookside Road.

Zone: DC

Date of Public Hearing: January 6, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: December 26, 2014 and January 2, 2015 Newspaper: Darien News

Date of Action: January 13, 2015

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
January 23, 2015

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 630, 904, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted information, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to establish a convenience food service use within 2,996 square feet within the Goodwives Shopping Center. No change in the building footprint is proposed.
2. Chocolate Works is considered a Convenience Food Service use, which is a Permitted Principal Use under Section 632a of the Darien Zoning Regulations in the DC Zone. As noted within the submitted application materials, the store will consist of mostly retail sales, however, at parties and at gatherings of customers, some previously made chocolate will be melted and remolded and decorated. In addition, ice cream and drinks will be offered. Other than the melting of

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chocolate with certain equipment, there will be no cooking, thus no special exhaust or odor control system is required.

3. Two news signs were approved by the Architectural Review Board (ARB) at its meeting on December 10, 2014 as part of ARB #36-2014. That approval is hereby incorporated by reference.
4. According to the Darien Zoning Regulations, the entire shopping center would require a total of approximately 1,000 on site parking spaces, but there are approximately 465-486 parking spaces for the 96,000+/- square foot building on the subject property. As part of previous applications for the Goodwives Shopping Center, the Planning and Zoning Commission made a finding under Section 904 of the Darien Zoning Regulations that due to the unique nature of the Goodwives Shopping Center, the parking is adequate. The proposed use is more parking intense than typical retail stores, but because they are only leasing a small portion of the Shopping Center (about 2,996+/- square feet), the Commission finds that no increase in parking spaces would be necessary. The Commission also finds that the proposed capacity of the on-site parking will meet the intent of the regulations.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #24-W is hereby approved subject to the foregoing and following conditions, modifications and understandings:

- A. The Commission hereby approves the proposed Convenience Food Service use as described in the application materials and at the Public Hearing. Final details of the floor plans entitled, "25 Goodwives Shopping Center, Interior Layout for Chocolate Works", dated 11-4-14, may be modified subject to final approval by the Fire Marshal, Health Director, Planning & Zoning Director, and Building Official. Any final floor plans and use of the space must be consistent with representations made at the public hearing by the applicant, and this resolution.
- B. At parties and at gatherings of customers, which are generally held in the craft room to the rear of the retail space, some previously made chocolate will be melted and remolded and decorated. The typical number of customers at a party is 12 -16. Because of the nature of the space, and the fact that there is ample parking within the Goodwives Shopping Center, the Commission does not limit the size of parties or events within the space, however the maximum occupancy of the individual rooms and the entire space will be limited by the Fire Marshal and the Building Code. The front of the store (the retail space) can have two or three tables with a total of no more than 8 seats. In addition to the chocolate and candy, ice cream and drinks will be offered. Other than the melting of chocolate, there will be no cooking, thus no special exhaust or odor control system is required. There will be no frying or grilling or other cooking. If any additional cooking or use or activity is proposed, or special permit installed, it must first be reviewed by the Commission to determine if additional safeguards are needed.
- C. Because of the nature of the business which is entirely indoors, and the unique location of Goodwives Shopping Center within a commercial zone, and the location of this space within the shopping center, the Commission places no limits on the maximum hours of operation.

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- D. There is no new impervious surface created as part of this application, and thus, the Commission waives the requirement for stormwater management under Section 880 of the Zoning Regulations.
- E. The applicant shall use the trash area and dumpsters located behind the building. If used by this tenant, the tenant shall work with others to keep it neat and orderly.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. The granting of this approval does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes final review and approval by the Fire Marshal and the Darien Health Department.
- H. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (January 13, 2016). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final approved plans by the Chairman, or this approval shall become null and void. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action and prior to opening of the business, or this approval shall become null and void.

Chairman Cameron read the following agenda item:

Special Permit Application #9-C, Flood Damage Prevention Application #2-A, First Congregational Church of Darien, 11 Brookside Road. Proposing to renovate and construct alterations to the existing building (the former ABC House)--to establish a youth center for church youth programs, a meeting room, and a residence for an Associate Pastor; within a regulated area. *PUBLIC HEARING CLOSED: 11/25/2014. DECISION DEADLINE: 1/29/2015.*

Commission members discussed some minor modifications and clarifications to which all members agreed. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Sini, and was approved by a vote of 4-0, with Mr. Voigt abstaining. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 13, 2015**

Application Number: Special Permit Application #9-C
Flood Damage Prevention Application #2-A

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Street Address: 11 Brookside Road
Assessors Map #16 Lot #92-95

Name and Address of Applicant &
Property Owner: First Congregational Church of Darien
11 Brookside Road
Darien, CT 06820

Name and Address of:
Applicant's Representative: Neil Hauck, AIA
Neil Hauck Architects, LLC
859 Boston Post Road
Darien, CT 06820

Activity Being Applied For: Proposing to renovate and construct alterations to the existing building (the former ABC House)--to establish a youth center for church youth programs, a meeting room, and a residence for an Associate Pastor; within a regulated area.

Property Location: The subject property is located on the west side of Brookside Road approximately 120 feet south of its intersection with Boston Post Road.

Zone: DB-1

Date of Public Hearing: November 25, 2014

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: November 14 & 21, 2014 Newspaper: Darien News

Date of Action: January 13, 2015 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
January 23, 2015

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 500, 610, 820 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the property owners/applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The First Congregational Church owns the property at 11 Brookside Road. They are seeking an amendment of the Special Permit regarding the use of the structure. The building was mostly used as a single family house since it was built in 1888, but, most recently it had been used as the ABC of Darien (A Better Chance of Darien). ABC of Darien has found a new location for its residential program and now the Church wishes to re-use the building at 11 Brookside Road. The lower level (basement level) that is accessed via the parking lot to the rear of the building will be a meeting area to establish a youth center for church youth programs. The first floor which is at street level will have a new front door to access a community meeting room. The rear portion of the first floor will be part of the residence of the Associate Pastor. The second floor will be bedrooms which are part of the residence for the Associate Pastor.
2. Mr. Hauck, the applicant's representative, said during the public hearing that the Fire Marshal has reviewed the plans and has determined that it is not necessary to have a fire sprinkler because there will be appropriate fire separation between the uses.
3. A variance was granted by the Zoning Board of Appeals (ZBA) on November 12, 2014 as part of ZBA Calendar #56-2014. Part of that variance includes lifting up the mechanical equipment in that lower level so that the equipment will be above the expected flood level. That approval is hereby incorporated by reference. The Architectural Review Board approved the changes to the structure at its meeting on November 18, 2014 as part of ARB #31-2014. That approval is also incorporated by reference.
4. Mr. Hauck explained that this whole building is included in the Boston Post Road Historic District of Darien and he submitted a 1983 letter from the State noting such. There is also a letter dated November 24, 2014 from the Town Historian in support of this application.
5. The expected flood level in the area is 52.1 feet above NAVD 1988. Darien requires that the lowest floor be at least one foot above this base flood elevation. The actual floor level of the basement at the lower level is at 51.4 feet. A variance has been granted by the Zoning Board of Appeals to allow the existing floor level to remain unchanged even though it is below the flood level. There is no expansion of the building which would trigger the need for a permit from the Environmental Protection Commission.
6. The building is immediately adjacent to a 51 space parking lot that services this building and the First Congregational Church of Darien which is across the street. Due to the nature of the proposed use, the Commission finds that on-site parking is sufficient.
7. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
8. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.

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9. The location and nature of the proposed use are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
10. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
11. With the specific conditions outlined herein, the proposal conforms to the standards for approval as specified in Section 1005(a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE, BE IT RESOLVED that Special Permit Application #9-C and Flood Damage Prevention Application #2-A are hereby modified and granted subject to the foregoing and following stipulations, conditions, modifications and understandings:

- A. Alterations to the existing structure shall be in accordance with the following plan and materials submitted to the Commission.
 - Alterations and Additions to 11 Brookside Road, Lower Level and First Floor Plans by Neil Hauck Architects, dated 10/17/14, Sheet A-1.
 - Alterations and Additions to 11 Brookside Road, Second Floor Plan by Neil Hauck Architects, dated 10/17/14, Sheet A-2.
 - Alterations and Additions to 11 Brookside Road, Elevations, by Neil Hauck Architects, dated 10/17/14, Sheet A-3.
- B. Because of the nature of the work proposed, sediment and erosion controls are not required.
- C. There is no new impervious surface proposed as part of this application. The Commission thereby waives the requirement for stormwater management.
- D. A final certification is hereby required to ascertain that the construction is in compliance with the approved plans except for where a variance has been granted. A Professional Engineer or Architect shall certify in writing prior to the issuance of a Certificate of Occupancy, that the work has been properly completed in accordance with the flood regulations.
- E. In evaluating this application, the Planning & Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this Special Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. Zoning and Building Permits are required prior to the alterations to the structure.

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- G. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action by (January 13, 2016). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. Within sixty days of this action, a Special Permit form must be filed in the Darien Land Records or this approval shall become null and void.

Chairman Cameron read the following agenda item:

Special Permit Application #60-M/Site Plan, Land Filling & Regrading Application #121-B, Country Club of Darien, 300 Mansfield Avenue. Proposing to implement alterations to the existing main clubhouse, including alterations and addition to the existing “Medallion Room” and Terrace; alterations to the landscape of the “South Lawn and Pub Patio” and alterations to the existing roof along the west façade; and to perform related site development activities. *DECISION DEADLINE: 3/12/2015.*

After a brief discussion, the following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 13, 2015**

Application Number: Special Permit Application #60-M/Site Plan
Land Filling & Regrading Application #121-B
Country Club of Darien

Street Address: 300 Mansfield Avenue
Assessor's Map #5 Lot #40

Name and Address of Applicant & David W. Woods, AIA
Applicant's Representative: Culpen & Woods Architects
400 Main Street
Stamford, CT 06901

Name and Address of: Marc Possidento, General Manager
Property Owner: Country Club of Darien
300 Mansfield Avenue
Darien, CT 06820

Activity Being Applied For: Proposing to implement alterations to the existing main clubhouse, including alterations and addition to the existing “Medallion Room” and Terrace; alterations to the

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landscape of the “South Lawn and Pub Patio” and alterations to the existing roof along the west façade; and to perform related site development activities.

Property Location: The subject property is located on the east side of Mansfield Avenue approximately 1,200 feet north of its intersection with Buttonwood Lane.

Zone: R-2

Date of Public Hearing: January 6, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: December 26, 2014 and January 2, 2015 Newspaper: Darien News

Date of Action: January 13, 2015 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
January 23, 2015

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 1000, and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant’s representative, whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to implement alterations to the existing main clubhouse, including alterations and addition to the existing “Medallion Room” and Terrace; alterations to the landscape of the “South Lawn and Pub Patio” and alterations to the existing roof along the west façade; and to perform related site development activities. The subject property is served by public water and sewer.
2. The details of the main clubhouse alterations are outlined within an October 14, 2014 two-page letter from Culpen & Woods Architects, LLC. The Commission notes that this is more than a simple expansion, rather, part of the clubhouse will be demolished, and rebuilt. The associated south lawn will be regraded and extended out further. An existing terrace will be enlarged.

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3. The Architectural Review Board has approved the additions/alterations to the building as part of ARB #29-2014 on October 21, 2014. That approval is hereby incorporated by reference.
4. No change in membership or general activities at the club is proposed as part of this application. Any changes to the nature of on-site uses would require an amendment of the existing Special Permit (review and approval by the Planning and Zoning Commission).
5. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
6. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
7. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
8. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #60-M/Site Plan is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Development and related site activity shall be in accordance with the plans submitted to the Commission entitled:
 - CCD Improvements, by Culpen & Woods Architects, dated 11/12/14, Sheet SK-1.
 - CCD Improvements, by Culpen & Woods Architects, dated 10/14/14, Drawing No. SK-1 through SK-20 (11" x 17" sheets).
 - Country Club of Darien, 300 Mansfield Avenue, by Wesley Stout Associates, dated Oct 14, 2014, Sheet L-1.0 through L-4.0, and L-4.1.
 - Country Club of Darien, by Edward J. Frattaroli, Inc., dated October 14, 2014, Drawing No. SC-1 through SC-6.
 - General Location Survey prepared for Country Club of Darien, by Edward Frattaroli Inc., dated July 13, 2004, last revised October 14, 2014.
- B. The application consists of more than 1,000 square feet of new impervious surface. According to the applicant's engineer, it is approximately 4,373 new square feet of impervious surface. However in this case, the Assistant Director of Public Works has noted that due to the large land area of the Club, and the specific location of proposed work, which is generally in the middle of the subject property, he recommends that the requirement for stormwater management be waived. A November 20, 2014 letter from professional engineer John Pugliesi certified that the project will have no adverse impact on the surrounding properties or the Town drainage system. Because of all of these factors, the Commission hereby waives the requirement for Stormwater Management pursuant to Section 880 of the Darien Zoning Regulations.

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- C. During construction, the applicant shall utilize any sediment and erosion control measures as shown on the plans noted in Condition A, above, and any that may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the project and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. As noted by the applicant, this application proposes no change or increase in the uses or membership in the Country Club of Darien. Any such proposals would require an amendment of the Club's Special Permit, and action by the Planning and Zoning Commission.
- E. The granting of this Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. Because of the nature of the Club operations, and the fact that significant construction must be done while keeping the Club fully operating, the Commission is hereby granting a two-year time frame to complete the proposed work. This permit shall be subject to the provisions of Sections 858, 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within two years of this action (January 13, 2017).

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action and prior to the issuance of a Zoning or Building Permit for the additions/alterations to the main clubhouse, or this approval shall become null and void.

Chairman Cameron read the following agenda item:

Special Permit Application #283, Land Filling & Regrading Application #336, David & Helen Lowham, 67 Peach Hill Road. Proposing to fill and regrade and install stormwater management in association with a replacement single-family residence, install a sports court at the end of the proposed driveway, and to perform related site development activities. *DECISION DEADLINE: 3/12/2015.*

Commission members discussed the draft resolution and noted that there are to be no lights, either temporary or permanent to illuminate the sports court. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved. The adopted resolution reads as follows:

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**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 13, 2015**

Application Number: Special Permit Application #283
Land Filling & Regrading Application #336

Street Address: 67 Peach Hill Road
Assessor's Map #6 Lot #137

Name and Address of: Doug DiVesta, PE
Applicant's Representative: DiVesta Civil Engineering Associates, Inc.
51 Painter Ridge Road
Roxbury, CT 06873

Name and Address of Applicant &: David & Helen Lowham
Property Owner: 67 Peach Hill Road
Darien, CT 06820

Activity Being Applied For: Proposing to fill and regrade and install stormwater management in association with a replacement single-family residence, install a sports court at the end of the proposed driveway, and to perform related site development activities.

Property Location: The subject property is located on the north side of Peach Hill Road approximately 2,000 feet west of its intersection with Mansfield Avenue.

Zone: R-2

Date of Public Hearing: November 25, 2014 continued to January 6, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: December 26, 2014 and January 2, 2015 Newspaper: Darien News

Date of Action: January 13, 2015 Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
January 23, 2015

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to fill and regrade and install stormwater management in association with a replacement single-family residence, install a sports court (which requires Special Permit approval from the Commission) at the end of the proposed driveway, and to perform related site development activities. A Zoning and Building Permit had been obtained for the construction of a replacement house. As part of that approved plan, the filling and regrading is contained within 25 feet of the proposed structure and is not within 15 feet of any property line. The applicant seeks to extend the filling and regrading and this additional work will require a Special Permit from the Planning & Zoning Commission. In addition, the applicant seeks approval for the installation of a sport court to the northwest of the proposed structure, which also requires its own Special Permit.
2. The storm water flow has been calculated from all of the proposed impervious surfaces including the house, driveway, turnaround area and sports court. The applicant's engineer noted that the drainage system that has been approved by the Department staff for the house will satisfy the requirements for all of the proposed impervious structure.
3. At the November public hearing, Mr. DiVesta, the applicant's representative, confirmed that there will be no temporary or permanent lighting of the sports court. He also noted that trees will be planted to the north and west of the sports court to provide shielding for the benefit of the neighbors.
4. The Commission notes that the amount of new impervious surface proposed as part of this application is considerably more than 1,000 square feet. In this case, the applicant is addressing stormwater management by installing infiltrators. At the November public hearing, the Commission asked about the possible use of a rain garden on this large parcel of land, rather than only having underground stormwater retention facilities. Between the November public hearing and the January public hearing, the Assistant Director of Public Works commented that in this case, the stormwater management system should work as designed, and in his opinion, due to the nature of this specific property, a rain garden might not be appropriate.
5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
6. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

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NOW THEREFORE BE IT RESOLVED that Special Permit Application #283 and Land Filling & Regrading Application #336 are hereby granted subject to the foregoing and following conditions, modifications and understandings:

- A. Work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - Zoning Location Survey 67 Peach Hill Road prepared for David Lowham and Helen Lowham, by William W. Seymour & Associates, last revised December 22, 2014.
 - Lowham Residence 67 Peach Hill Road, Proposed Site Plan, by DiVesta Civil Engineering Associates, Inc., last revised 11/12/14, Sheet No 1 of 2.
 - Lowham Residence 67 Peach Hill Road, Details, by DiVesta Civil Engineering Associates, Inc., last revised 10/16/14, Sheet No 2 of 2.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the "Proposed Site Plan" and "Details" plan in Condition A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. No temporary or permanent lighting of the sports court is proposed, and none is allowed or approved.
- D. The Drainage Maintenance Plan submitted by the applicant as Appendix A within the Site Engineering Report dated October 2014 requires the property owner and all subsequent property owners of 67 Peach Hill Road to maintain the stormwater management system, and will alert future property owners of the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work.
- E. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Occupancy for the new residence, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management system as well as the grading in the yard have been completed in compliance with the approved plans referred to in Condition A, above.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes a Street Opening Permit from the Public Works Department for a new driveway.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive,

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incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.

- H. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (January 13, 2016). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan, as approved, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days and prior to the start of the construction of the sports court and the regrading of the yard.

Chairman Cameron read the following agenda item:

Land Filling & Regrading Application #337, Ellie Eglin, 210 Leroy Avenue. Proposal for cutting, filling, and regrading associated with the construction of a replacement single-family residence and swimming pool and to perform related site development activities. *DECISION DEADLINE: 3/12/2015.*

Commission members discussed the project and the following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Voigt and unanimously approved. The resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 13, 2015**

Application Number: Land Filling & Regrading Application #337

Street Address: 210 Leroy Avenue
Assessor's Map #6 Lot #3

Name and Address of: Doug DiVesta, PE
Applicant's Representative: DiVesta Civil Engineering Associates
51 Painter Ridge Road
Roxbury, CT 06873

Name and Address of Applicant &: Ellie Eglin
Property Owner: 9 Oak Crest
Darien, CT 06820

Activity Being Applied For: Proposal for cutting, filling, and regrading associated with the construction of a replacement single-family residence and swimming pool and to perform related site development activities.

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Property Location: The subject property is located on the north side of Leroy Avenue approximately 100 feet east of its intersection with Middlesex Road.

Zone: R-1

Date of Public Hearing: November 25, 2014 continued to January 6, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: November 14 & 21, 2014

December 26, 2014 and January 2, 2015 Newspaper: Darien News

Date of Action: January 13, 2015

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
January 23, 2015

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is for cutting, filling, and regrading associated with the construction of a replacement single-family residence and swimming pool and to perform related site development activities.
2. The Darien Environmental Protection Commission (EPC) approved this project on November 5, 2014 as part of EPC #25-2014. That approval is hereby incorporated by reference.
3. The applicant is addressing stormwater management via underground infiltrators on-site.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

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5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling & Regrading Application #337 is hereby approved subject to the foregoing and following conditions, modifications and understandings:

- A. Work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
- Proposed Site Plan, E. Lloyd & Associates, LLC, 210 Leroy Avenue, by DiVesta Civil Engineering Associates, Inc., last revised 11/21/14, Sheet 1 of 2.
 - Details, E. Lloyd & Associates, LLC, 210 Leroy Avenue, by DiVesta Civil Engineering Associates, Inc., last revised 11/21/14, Sheet 2 of 2.
 - “Wetland Buffer Plan” by Environmental Land Solutions, LLC, dated 3.7.14 and last revised 11.21.14, Drawing No. LP.1.
- The Proposed Site Plan (last revised 11/21/14) and the Wetland Buffer Plan include the relocation of a level spreader and a boulder demarcation line.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the “Proposed Site Plan” in Condition A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. A Drainage Maintenance Plan was submitted to the Planning and Zoning Office in Appendix A of the submitted “Site Engineering Report” dated October 2014. This Drainage Maintenance Plan requires the property owner and all subsequent property owners of 210 Leroy Avenue to maintain the subsurface detention systems, and will alert future property owners of the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work requested herein and prior to the issuance of a Zoning and Building Permit for the proposed pool.
- D. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Occupancy for the new house, or the request for the Certificate of Zoning Compliance for the new pool and/or the grading in the yard, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the pervious asphalt driveway as well as the grading in the yard and the planting of the wetlands buffer area have been completed in compliance with the approved plans referred to in Condition A, above.
- E. Once the project is complete, and prior to the issuance of a Certificate of Zoning Compliance for the pool or January 13, 2016 (whichever comes first), the applicant shall submit a final

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certification, including photographs from the applicant, that all work has been properly completed in accordance with the approved plans.

- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Section 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (January 13, 2016). This may be extended as per Section 858.

All provisions and details of the plan, as approved, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days and prior to the start of the proposed regrading work and prior to the issuance of a Zoning and Building Permit for the proposed pool.

Chairman Cameron read the following agenda item:

Discussion ONLY on the following two applications:

Special Permit Application #282, Carmen Molinos, 16 Stony Brook Road. Proposing to construct a 30' x 60' sport court and to perform related site development activities. *PUBLIC HEARING CLOSED: 11/25/2014. DECISION DEADLINE: 1/29/2015.*

Commission members discussed the proposed sports court and the corrective work necessary for the rain garden before Certificate of Occupancy (C of O) can be obtained. They instructed staff to draft a resolution to approve the project provided a detailed sequence of correction of the violation, obtaining the C of O for the old work, and proper installation of sediment and erosion controls and filing of a performance bond are all incorporated before they can start the work on the new sport court. The staff will draft a resolution for consideration at a meeting later in the month.

Chairman Cameron read the following agenda item:

Special Permit Application #277-A/Business Site Plan #248, Day Street Development, LLC, 13 Grove Street. Request for Le Boudoir, a personal service use, for a 1,250+/- square foot portion of the first floor of the building at 13 Grove Street. *PUBLIC HEARING CLOSED: 11/25/2014. DECISION DEADLINE: 1/29/2015.*

Commission members discussed the proposed use of the ground floor. Mr. Olvany said that he was relatively comfortable with the application and the proposed use. Ms. Cameron said that the 2008 Adler Traffic & Parking Report is specific about the type of use, and the resolution adopted by the

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Planning & Zoning Commission indicates that the employees cannot park in the Grove Street parking lot. Mr. Cunningham said that he understands that the applicant and the current owner of the property are willing to sign an agreement that the tenant employees do not park in the Grove Street parking area and will park at other public parking facilities, such as Mechanic Street. Mr. Sini said that he understands that the Parking Authority (Board of Selectmen) has made a decision regarding the use of Grove Street but that the decision was made subsequent of the close of the public hearing and therefore the Planning & Zoning Commission cannot consider that information. Ms. Cameron said that the proposed use is not a retail use and therefore should not be permitted. Mr. Sini said that although it is not a classic retail use, it is designed for quick turnover somewhat like a retail use. Mr. Voigt noted that there is considerable additional available retail space on the first floor and he wondered where the tenants and customers for that use would be able to park. Mr. Cunningham said that it is clear that a typical retail use needs frontage on the Boston Post Road. Ms. Cameron said that it seems to be just a pricing problem, and that an appropriate retail use would move into the space if it were to be rented at an appropriate price.

No vote was taken on the matter. It will be discussed at a future meeting.

Chairman Cameron read the following agenda item:

Approval of Minutes

November 17, 2014 Public Hearing/General Meeting

Several corrections and clarifications were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission approve the corrected minutes. The motion was made by Mr. Olvany, seconded by Mr. Sini. All voted in favor except Mr. Cunningham who was not present for the meeting.

November 25, 2014 Public Hearing/General Meeting

The following motion was made: That the minutes be approve as presented. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

Any Other Business (Requires two-thirds vote of Commission)

There was a motion to close the meeting but Chairman Cameron asked that a matter be brought up under Other Business. Mr. Voigt moved that the Commission discuss possible amendments to the Zoning Regulations under Other Business. Mr. Sini seconded the motion. All voted in favor.

Ms. Cameron said that she and the staff met with Chairman of the Zoning Board of Appeals to discuss some possible clarifications and amendments of the Zoning Regulations. She asked if there were any other members who would serve as a subcommittee to work with the Zoning Board of Appeals to discuss possible amendments to the Regulations. After a brief discussion about possible meeting times with a ZBA subcommittee, Mr. Olvany volunteered to serve on the two-person committee. Chairman Cameron noted that Mr. DiDonna was not present tonight and might be interested in being on the committee, but it would be unfair to appoint him on that assumption. She said she would volunteer if Mr. DiDonna was not interested. She said that if Mr. DiDonna is interested in being on the committee, she might sit in the meeting(s) anyway.

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There being no further business, the following motion was made: that the Commission close the meeting. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved. The meeting was adjourned at 11:08 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

01.13.2015min

DARIEN CEMETERIES

Name / Location	No of Graves	Earliest Stone	Latest Stone	Predominant Families	Kept By	Sign	Comments
Andreas Hoyt Middlesex Rd, west side, south of Ox Ridge Lane	*90	1823	1928	Andreas, Hoyt		N	well taken care of
Bates #1 Post Road and Old Kings Highway North near Masonic Lodge	98	1800	1913	Bates, Whitney, Waterbury, Scofield		N	needs mowing, weeding, a few branches need cutting
Bates #2 Christie Hill Road, nearly opposite Leewrden Road	17	1828	1873	Bates, Talmage		R	very rustic, dead/fallen tree against wall, metal gate in need of repair
Bell <i>Interior site</i> off Midbrook Lane, bounded by private property	21	1825	1884	-Bell			interior site
Howe <i>Interior site</i> between Hollow Tree School and Middlesex Middle School, on town property	1	1804	1804	Jacob Howe			moved per Anne Mandel
Leeds Hoyt Street, west side, between Lake Drive and Echo Drive	*138	1787	1930	Leeds, Weed, Hoyt		R	needs general maintenance
Noroton River Post Road, south side, near Stamford line	*418	1732	1927	Many different families		R	needs general maintenance
Raymond <i>Interior site</i> on private property off Good Wives River Road	6	1813	1880	Raymond, Tuttle, Francher			interior site
Slawson Hanson Road, north side, near Middlesex Road	*190	1811	1933	Slawson, Waterbury		N	well taken care of
Stevens #1 <i>Interior site</i> on private property Hoyt Street, west side near New Canaan Town Line	4	1804	1879	+Stevens			interior site
Stevens #2 <i>Interior site</i> on private property, west of 510 Hoyt Street, and north of Woodway Golf Course	25	1810	1900	Stevens, Tallmage			interior site
Mather Stephen Mather Road, south side, east of Brookside Road	*165	1830	1959	Mather, Weed		N	appears to be active, well taken care of
Pelton <i>Interior site</i> behind property of 171 Old Kings Highway South	2	1798	1799	+Pelton			interior site
Waterbury #1 Hoyt Street, west side, btw Echo Drive and Shirley Lane	27	1835	1932	Waterbury, Lockwood		Y	needs general maintenance
Waterbury #2 Hoyt Street, east side, opposite Leeds Cemetery	17	1777	1848	Waterbury, Husted		N	needs general maintenance
Waterbury #3 Mansfield Avenue, east side, north of Middlesex Road	24	1820	1891	Waterbury, Weed		N	very overgrown, difficult to access because of traffic
Weed #1 Pasture Lane, south side, east of Nearwater Lane	9	1798	1838	Weed		Y	new sign and hardware, very rustic, well taken care of
Weed #2 <i>Interior site</i> on Cove Pond across from Hampton Road	*96	1763	1944	Weed, Foster			interior site

* approximate number of graves

- only family

+ only family